

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 34. BOARD OF MANUFACTURED HOUSING

Editor's Note: The following Notice of Final Rulemaking was exempt from Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 981.)

[R12-41]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action**

R4-34-101	Amend
R4-34-102	Amend
R4-34-103	Amend
R4-34-601	Amend
R4-34-603	Amend
R4-34-607	Amend
R4-34-702	Amend
R4-34-703	Amend
R4-34-704	Amend
R4-34-706	Amend
R4-34-801	Amend
R4-34-803	Amend
R4-34-804	Amend
R4-34-805	Amend
Exhibit 1	Repealed
- 2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. § 41-2144(A)(13)
Implementing statute: A.R.S. §§ 41-2144, 41-2151, and 41-2154
- 3. The effective date for the rules:**

June 4, 2012

 - a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**

Not applicable
 - b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**

Not applicable
- 4. Citation to all related notices published in the *Register* to include the *Register* as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**

Notice of Rulemaking Docket Opening: 17 A.A.R. 2502, December 16, 2011
Notice of Proposed Rulemaking: 17 A.A.R. 2488, December 16, 2011
- 5. The agency's contact person who can answer questions about the rulemaking:**

Name: Debra Blake, Deputy Director

Notices of Final Rulemaking

Address: Department of Fire, Building and Life Safety
1110 W. Washington St., Suite 100
Phoenix, AZ 85007

Telephone: (602) 364-1022

Fax: (602) 364-1052

E-mail: Debra.blake@dfbls.az.gov

Web site: www.dfbls.az.gov

6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

The Board, which was granted an exception to the Governor's rulemaking moratorium by an e-mail from Steve Kilian, Assistant Policy Advisor, dated January 25, 2011, is updating and adding materials incorporated by reference to comply with statute, which requires the Office of Manufactured Housing to conduct its affairs consistently with minimum standards of the U.S. Department of Housing and Urban Development so the Office can be designated the state inspector for manufactured homes and related industries (See A.R.S. § 41-2151).

The Board is also updating and adding materials incorporated by reference regarding factory-built buildings, subassemblies, and components to comply with statute, which requires the Office to impose minimum construction requirements that are reasonably consistent with nationally recognized and accepted practices. (See A.R.S. § 41-2144(A)(1)). The Board also makes conforming and clarifying changes.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. A summary of the economic, small business, and consumer impact:

The amendments will have minimal economic impact on manufacturers of manufactured homes or factory-built buildings, subassemblies, and components because the updated and added materials incorporated by reference are the current industry standard with which manufacturers already comply.

The National Manufactured Housing Construction and Safety Standards Act of 1974 requires the Department of Housing and Urban Development to establish federal manufactured home construction and safety standards. These standards are published in Title 24 of the *Code of Federal Regulations*. Since 2005, when the Board last updated materials incorporated by reference, HUD published the three additional parts that the Board incorporates in this rulemaking. Because manufacturers of manufactured homes are required by federal law to comply with the federal standards, incorporating them by reference has no economic impact of the manufacturers. It simply gives the state enforcement authority.

Regulation of factory-built buildings, subassemblies, and components is a state program required by statute to be reasonably consistent with nationally recognized practices. By updating the incorporated International Codes, the Office complies with statute. Two codes are newly incorporated in this rulemaking. Previously, the Office incorporated the Uniform Plumbing Code because that was the code adopted by the state's Uniform Plumbing Code Commission. The Uniform Plumbing Code addressed requirements regarding fuel gas so it was not necessary to incorporate the International Fuel Gas Code. After the state moved away from the Uniform Plumbing Code, the Office decided to use the International Plumbing Code because it is consistent with the other International Codes. This made it necessary to incorporate the International Fuel Gas Code also. Failure to incorporate the International Energy Conservation Code in 2005 was an oversight by the Office. However, because the International Energy Conservation Code consists of the nationally recognized standard and manufacturers routinely comply with it, incorporating it into the rules will have minimal economic impact.

10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:

Only minor, non-substantive changes were made between the proposed and final rules. Some of these changes result from comments by G.R.R.C. staff.

11. An agency's summary of the public stakeholder comments made about the rulemaking and the agency response to comments:

The Board received no comments regarding the rulemaking.

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12. All agencies shall list any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rules in Article 8 require that a licensee or consumer obtain a permit before installing a manufactured home, mobile home, factory-built building, or accessory structure or rehabilitating a mobile home. This is not a general permit. An installation-specific permit is required to enable the Department or local jurisdiction to protect the public by inspecting to ensure that the installation is done properly.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Federal law applies to the subject of these rules (See 24 CFR 3280, 3282, 3284, 3285, 3286, and 3288). The Board has ensured that the rules are no more stringent than federal law by incorporating the federal law by reference.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:

The following materials are incorporated by reference in R4-34-102:

24 CFR 3280, Manufactured Home Construction and Safety Standards, April 1, 2008, edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D. C. 20401 or bookstore.gpo.gov

24 CFR 3282, Manufactured Home Procedural and Enforcement Regulations, April 1, 2008, edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or bookstore.gpo.gov

24 CFR 3284, Manufactured Housing Program Fee, April 1, 2008 edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or bookstore.gpo.gov

24 CFR 3285, Model Manufactured Home Installation Standards, April 1, 2008 edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or bookstore.gpo.gov

24 CFR 3286, Manufactured Home Installation Program, April 1, 2009 edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or bookstore.gpo.gov

24 CFR 3288, Manufactured Home Dispute Resolution Program, April 1, 2008 edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or bookstore.gpo.gov

International Building Code (IBC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478

International Residential Code (IRC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478

International Mechanical Code (IMC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478

International Plumbing Code (IPC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478

International Fuel Gas Code (IFGC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478

International Energy Conservation Code (IECC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478

National Electrical Code (NEC), 2008 edition, available from the National Fire Protection Association, One Batterymarch Park, Quincy, MA 02169

Protecting Manufactured Homes from Floods and Other Hazards, publication 85, second edition, November 2009, available from the Federal Emergency Management Agency, 500 C. St. SW, Washington, D.C. 20472 or www.fema.gov

14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

No

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15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 34. BOARD OF MANUFACTURED HOUSING

ARTICLE 1. GENERAL

Section

- R4-34-101. Definitions
- R4-34-102. ~~Codes~~ Materials Incorporated by Reference
- R4-34-103. Exceptions

ARTICLE 6. MANUFACTURING, CONSTRUCTION, AND INSPECTION

Section

- R4-34-601. Manufactured Homes
- R4-34-603. ~~Factory-Built~~ Factory-built Buildings and FBB Subassemblies
- R4-34-607. Manufacturing Inspection and Certification

ARTICLE 7. PLAN APPROVALS

Section

- R4-34-702. Quality Assurance Manuals
- R4-34-703. Drawings and Specifications
- R4-34-704. Alterations or Reconstruction
- R4-34-706. ~~Factory-Built~~ Factory-built Building Installation

ARTICLE 8. PERMITS AND INSTALLATION

Section

- R4-34-801. Permits
- R4-34-803. Soil and Materials
- R4-34-804. Utilities
- R4-34-805. Accessory Structures
- Exhibit 1. Repealed

ARTICLE 1. GENERAL

R4-34-101. Definitions

The definitions in A.R.S. §§ 41-2142, 41-2152, and 41-2157 apply to this Chapter. Additionally, in this Chapter:

- ~~A.1.~~ “Act” means the ~~National Manufactured Home Construction and Safety Standards Housing Improvement Act of 1974 and 2000, which is Title VI of the Housing and Community Development Act of 1974 (P.L. 93-383, as amended by P.L. 95-128, 95-557, 96-153, 96-339, 100-242, and 102-550)~~ American Homeownership and Economic Opportunity Act of 2000.
- ~~B.2.~~ “Agency” means, in a brokered transaction, the consensual relationship that exists between ~~the an~~ agent and the seller or purchaser of a used home when either the purchaser or ~~the~~ seller authorizes the ~~licensed retailer or broker to act as an~~ agent and the agent agrees to ~~this the~~ authorization in writing. A licensed salesperson may establish an agency relationship on behalf of the salesperson’s licensed and employing retailer.
- ~~C.3.~~ “Agency disclosure” means a document that specifies the party or parties ~~which the~~ that an agent is ~~representing~~ represents in a brokered transaction ~~either as a seller’s agent, purchaser’s agent, or a dual agent representing who represents both the seller and purchaser.~~
- ~~D.4.~~ No change
- ~~E.~~ “Board” means the Board of Manufactured Housing.
- ~~F.5.~~ No change
- ~~G.6.~~ “Brokered transaction” means a transaction in which a properly licensed ~~retailer~~ broker acts as an agent for the seller, or purchaser, or both.
- ~~H.7.~~ No change
- ~~I.8.~~ “Factory-built building” or “FBB” has the meaning in A.R.S. § 41-2142 means factory-built building.
- ~~J.~~ “HUD” means U.S. Department of Housing and Urban Development, 451 7th Street S.W., B-133, Washington, D. C. 20410-8000.
- ~~K.~~ “Incidental”, as used in A.R.S. § 41-2178(B)(1), means that the acquisition of the used manufactured home, mobile home, factory-built building, or subassembly was not the primary purpose of the sales transaction.

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- ~~L-9.~~ “Lease with option to purchase” means a lease under which the lessee has the right to purchase the leased property for a specified price and terms.
- ~~M-10.~~ No change
- ~~N-11.~~ “Offer to purchase in a brokered transaction” means a written proposal to purchase a ~~listed~~ used home listed for sale that a broker presents to ~~a~~ the seller for acceptance or rejection.
- ~~O-12.~~ No change
- ~~P-13.~~ “Permanent foundation” means a system of support and perimeter enclosure of crawl space that is:
- ~~a. constructed~~ Constructed of durable materials (e.g., concrete, masonry, steel, or treated wood); ~~and developed~~
 - Developed in accordance with the manufacturer’s installation instructions or designed by a licensed professional engineer; ~~A permanent foundation has a means of attachment~~
 - Attached in a manner that effectively transfers all vertical and horizontal design loads that could be imposed on the structure by wind, snow, frost, seismic, or flood conditions, as applicable, to the underlying soil or rock; ~~Anchoring straps or cables affixed to ground anchors, other than footings, do not meet this requirement. The perimeter enclosure of a permanent foundation is designed~~
 - Designed to exclude unwanted elements and varmints, ensure sufficient ventilation, and provide ~~for~~ adequate access to the building; ~~and~~
 - Not anchoring straps or cable affixed to ground anchors other than footings.
- ~~Q-14.~~ No change
- ~~R-15.~~ “Reconstruction” means construction work performed on a manufactured home, mobile home, or factory-built building for the purpose of restoring the unit to a usable condition, but does not include work limited to remodeling, replacing, or repairing appliances or components that will not significantly alter the systems or ~~the~~ structural integrity of the living area.
- ~~S-16.~~ “Respond” means ~~to~~ furnish the Office of Manufactured Housing or Office of Administration with a written explanation detailing any reasons why a complaint is not justified or the signature of the complainant indicating that the complainant is satisfied with the resolution of the verified complaint.
- ~~T-17.~~ “Retailer” means a dealer or broker as prescribed at A.R.S. § 41-2142(9) and (5).
- ~~U-18.~~ “Standards” means the ~~state rules and codes as they relate to manufactured homes, mobile homes, factory built buildings, subassemblies, and accessory structures~~ materials incorporated by reference in R4-34-102.
- ~~V-19.~~ “Supplement” means a submittal of not more than two sheets of ~~paper that may indicate~~ indicates floor plan dimensional sizes, does not change more than 25% of a system or configuration, and is incorporated as part of ~~the~~ an originally approved plan.
- ~~W-20.~~ “Technical service” means engineering assistance and interpretative application or clarification of compliance and enforcement of A.R.S. Title 41, Chapter 16, Articles 1, 2, and 4 and this Chapter.
- ~~X-21.~~ “Typical plan” means a design plan representative of a design that may be duplicated numerous times.
- ~~Y-22.~~ “Used home” means a used unit ~~as prescribed in A.R.S. § 41-2142(39)~~ that is a previously titled manufactured home, mobile home, or factory-built building designed for use as a residential dwelling.

R4-34-102. ~~Codes~~ Materials Incorporated by Reference

The following materials, which the Board incorporates by reference, apply to this Chapter. The materials, which include no later amendments of editions, are available from the Board. If there is a conflict between an adopted code the incorporated material and a statute or rule, the statute or rule controls. All referenced standards and codes are incorporated by reference, on file with the Board, and do not include any later amendments or editions.

- HUD Manufactured Housing Program
 - ~~1-a. “HUD standards”– 24 CFR 3280 as amended April 1, 1998, Manufactured Home Construction and Safety Standards, April 1, 2008, edition. Copies of these standards are available from the U.S. Department of Housing and Urban Development, 451 7th Street S.W., B-133 Government Printing Office, 732 N. Capitol St. NW, Washington, D. C. 20410-8000. 20401 or bookstore.gpo.gov;~~
 - ~~2-b. “HUD regulations”– 24 CFR 3282, as amended April 1, 1998, Manufactured Home Procedural and Enforcement Regulations, published pursuant to the “Act” as defined in A.R.S. § 41-2142(2). April 1, 2008, edition. Copies are available from the U.S. Department of Housing and Urban Development, 451-7th Street S.W., B-133 Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20410-8000. 20401 or bookstore.gpo.gov;~~
 - 24 CFR 3284, Manufactured Housing Program Fee, April 1, 2008 edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or bookstore.gpo.gov;
 - 24 CFR 3285, Model Manufactured Home Installation Standards, April 1, 2008 edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or bookstore.gpo.gov;
 - 24 CFR 3286, Manufactured Home Installation Program, April 1, 2009 edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or bookstore.gpo.gov; and
 - 24 CFR 3288, Manufactured Home Dispute Resolution Program, April 1, 2008 edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or bookstore.gpo.gov.

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- ~~3-2. Copies of these codes are available from the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795: Factory-built Building Program~~
- ~~a. International Building Code (IBC), 2003 Edition 2009 edition, including the appendices, which applies to commercial factory-built buildings with the exception that if the water or gas connection does not conform to the International Building Code requirements on anchoring plumbing to a foundation for resistance to uplift and sliding forces, an installer or contractor shall use a flexible connector approved for the water or gas connection. Approved materials in the Uniform Plumbing Code shall be used. The installer or contractor shall use a flexible connector not more than 6 feet long and of the rated size necessary to supply the total demand of the unit; available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478;~~
 - ~~b. International Residential Code (IRC), 2003 Edition 2009 edition, including the appendices, which applies to single-family residential factory-built building, except for Chapter 11, Chapters 29 through 32, and Chapters 33 through 40 and the exception that if a water or gas connection does not conform to the International Residential Code requirements on anchoring plumbing to a foundation for resistance to uplift and sliding forces, an installer or contractor shall use a flexible connector approved for the water or gas connection. Approved materials in the Uniform Plumbing Code shall be used. The installer or contractor shall use a flexible connector not more than 6 feet long and of the rated size necessary to supply the total demand of the unit; and available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478;~~
 - ~~c. International Mechanical Code (IMC), 2003 Edition 2009 edition, including the appendices, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478;~~
 - ~~d. International Plumbing Code (IPC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478;~~
 - ~~e. International Fuel Gas Code (IFGC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478;~~
 - ~~f. International Energy Conservation Code (IECC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478; and~~
 - ~~g. National Electrical Code (NEC), 2008 edition, available from the National Fire Protection Association, One Batterymarch Park, Quincy, MA 02169.~~
- ~~4. Uniform Plumbing Code (UPC), 1994 Edition, including the appendices and exceptions, as incorporated by reference in 4 A.A.C. 48.~~
- ~~5. National Electrical Code (NEC), 2002 Edition, with the exception of Article 80. Copies of this code are available from the National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02269-9101.~~
- ~~3. Installation, Foundation, and Accessory Structures~~
- ~~a. Materials incorporated in subsections (1) and (2); and~~
 - ~~b. Protecting Manufactured Homes from Floods and Other Hazards, publication 85, second edition, November 2009, available from the Federal Emergency Management Agency, 500 C. St. SW, Washington, D.C. 20472 or www.fema.gov.~~

R4-34-103. Exceptions

A. The Board makes the following exceptions to the materials incorporated by reference in R4-34-102:

- ~~1. International Building Code and International Residential Code. A water or gas connection may be a flexible connector if the flexible connector:~~
 - ~~a. Is not more than 6 feet long.~~
 - ~~b. Is of the rated size necessary to supply the total demand of the unit, and~~
 - ~~c. Made of materials that comply with the International Plumbing Code and International Fuel Gas Code; and~~
- ~~2. International Residential Code. Exclude Section R313, Automatic Fire Sprinkler Systems.~~

A-B. Under A.R.S. § 41-2144(D), a local jurisdiction may petition the Board for an exception to a standard. The local jurisdiction shall ensure that the a petition for an exception to codes and standards referred to in this Article shall:

- ~~1. Specify Specifies the standard or code sections affected;~~
- ~~2. Justify Justifies the requested exception with documented evidence of the local conditions that support the requested exception;~~
- ~~3. Specify Specifies the boundaries of the area affected by the local conditions;~~
- ~~4. State States why the exception is necessary to protect the health and safety of the public; and~~
- ~~5. Provide Provides an estimate of the economic impact that the requested exception will have on the petitioning jurisdiction, other affected governmental entities, the public, unit owners, and licensees, and the facts upon which the estimate is based.~~

B-C. An exception ordered by the Board ~~only~~ applies only within the jurisdiction that petitioned for the exception. The jurisdiction shall comply with any conditions specified in the exception order.

C-D. No change

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ARTICLE 6. MANUFACTURING, CONSTRUCTION, AND INSPECTION

R4-34-601. Manufactured Homes

A manufacturer shall build a manufactured ~~homes~~ home according to the standards ~~and regulations~~ in ~~R4-34-102(1) and (2)~~ R4-34-102.

R4-34-603. ~~Factory-Built~~ Factory-built Buildings and FBB Subassemblies

A. A manufacturer shall construct a factory-built ~~buildings~~ building and or a FBB ~~subassemblies~~ subassembly according to the applicable ~~codes~~ standards in ~~R4-34-102(3), (4) and (5)~~ R4-34-102(2); and:

1. No change
2. Affix a permanent serial number to each unit during the ~~1st~~ first stage of manufacturing. ~~Sections of a~~ If a unit has multiple ~~section-unit~~ sections, the manufacturer shall be ensure that each section is separately identified. The serial number location and application method shall be shown in the plans required under R4-34-703(B)(7); and
3. Affix an Arizona Insignia of Approval to each completed section. The insignia shall indicate the unit serial number, and plan approval number, and be located on the unit as indicated in the plans required under R4-34-703(B)(8).

B. A manufacturer of a non-residential factory-built ~~buildings~~ building and or a FBB ~~subassemblies~~ subassembly shall comply with ~~A.A.C. Title 10, A.A.C. Chapter 3~~ relating to the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

C. No change

1. No change
2. No change
3. Unwillingness of ~~a~~ the manufacturer to comply with plan submittal and requirements.

R4-34-607. Manufacturing Inspection and Certification

A. The Department shall conduct manufactured home plant certification under R4-34-102(1) ~~and (2)~~.

B. No change

C. No change

1. The Department shall conduct manufactured home certification under R4-34-102(1) ~~and (2)~~; and
2. No change

D. No change

1. Each manufacturer of manufactured ~~home-manufacturer~~ homes shall report affixing HUD labels, complete any other required reports, and establish and maintain records required under R4-34-102(1) ~~and (2)~~; and
2. Each manufacturer of factory-built buildings, reconstructed units, and FBB subassemblies shall report to the Department affixing Arizona Insignias of Approval by the 15th day of each month.

E. No change

1. No change
2. An inspector identifies three or more repetitive failures ~~manufacturing~~ to specifications in the approved plans, codes, or quality assurance manual;
3. No change
4. No change

F. No change

1. No change
2. No change

G. No change

1. The Department shall conduct regular inspections of retailer lots to assure compliance with approved plans, ~~codes~~ standards, and A.R.S. § 41-2195.
2. No change
 - a. No change
 - b. No change
 - c. Unwillingness of ~~a~~ the manufacturer to comply with plan submittal and requirements.

ARTICLE 7. PLAN APPROVALS

R4-34-702. Quality Assurance Manuals

A. A manufacturer of manufactured homes shall prepare the quality assurance manual required by R4-34-102(1) ~~and (2)~~.

B. No change

1. No change
 - a. No change
 - b. No change
 - c. No change
2. No change
 - a. No change

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- b. No change
- c. No change
- d. No change
- e. ~~Procedures~~ A description of procedures for receiving, ~~inspection~~ and inspecting construction materials, ~~handling~~ damaged material ~~handling~~, and ~~rotating~~ stock ~~rotation~~;
- f. ~~Procedures~~ A description of procedures for control of drawings and insignias; and
- g. ~~Procedures for~~ A description of recordkeeping procedures.

R4-34-703. Drawings and Specifications

- A. A manufacturer of manufactured homes shall submit drawings and specifications that comply with applicable ~~requirements of standards in~~ R4-34-102(1) and (2).
- B. A manufacturer of factory-built buildings or FBB subassemblies shall submit plans that comply with the applicable ~~codes standards in R4-34-102(3), (4), and (5)~~ R4-34-102(2). The plans shall provide or have the following information or format attributes:
 - 1. ~~An indentured~~ A set of drawings, process descriptions, component lists, shop drawings, or other documents that specify and identify each component, process, assembly operation, and manufacturing step;
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change

R4-34-704. Alterations or Reconstruction

- A. Alterations.
 - 1. A retailer or broker performing any alteration on a unit shall send notice of the alteration to the manufacturer of the unit.
 - 2. ~~The~~ A retailer or broker ~~performing an alteration on a unit~~ shall prepare a detailed set of drawings and specifications that depict all aspects of the ~~alterations~~ alteration and any serial numbers of the unit.
 - 3. ~~The~~ A retailer or broker shall ~~not prepare~~ ensure that manufactured home plans ~~that are not consistent~~ comply with the manufactured home construction and safety standards prescribed in R4-34-102(1) ~~and (2).~~
 - 4. ~~The~~ A retailer or broker shall ensure that factory-built building and FBB subassembly plans comply with R4-34-703(B).
- B. Reconstruction.
 - 1. A manufacturer shall comply with the ~~codes standards in R4-34-102~~ R4-34-102(2) when preparing reconstruction plans.
 - 2. ~~The manufacture~~ A manufacturer preparing reconstruction plans shall prepare a detailed set of drawings and specifications that depict all aspects of the reconstruction and contain the serial number of the unit.

R4-34-706. ~~Factory-Built~~ Factory-built Building Installation

- A. An installer shall complete and submit an application form obtained from the ~~Office of Manufactured Housing Department.~~
- B. No change
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - 3. Electrical drawings, including the isometric one-line diagram required by ~~R4-34-102(5)~~ R4-34-102(2)(g), that contain the following information:
 - a. ~~Size; and~~ type of conductors, length of feeders, and all amperage;
 - b. No change
 - c. No change
 - d. No change
 - 4. Plumbing drawings, including any one-line diagrams required by ~~R4-34-102(4);~~ R4-34-102(2)(d) and (e) that contain the following information:
 - a. No change
 - b. No change
 - c. No change

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ARTICLE 8. PERMITS AND INSTALLATION

R4-34-801. Permits

- A. No change
- B. The ~~Office of Manufactured Housing Department~~ shall issue or deny a permit within seven business days from the date the application is received.
- C. A licensee or consumer shall obtain a permit before ~~commencing~~ beginning any work and post the permit in a conspicuous location onsite. The licensee who contracts to install a unit or a licensed installer who subcontracts to perform the installation shall verify that a valid installation permit has been obtained before beginning the installation.
- D. Local jurisdictions that have entered into agreement with the ~~Office of Manufactured Housing Department~~ may issue installation permits and conduct inspections.
- E. A permit fee shall be charged either by the ~~office~~ Department or the local jurisdiction participating in the installation inspection program. The fee charged by the ~~office~~ Department shall be the amount established by the Board of ~~Manufactured Housing~~ under A.R.S. § ~~41-2144(A)(5)~~ 41-2144(A)(4). The fee charged by a local jurisdiction shall not exceed the amount established by the Board under A.R.S. § ~~41-2144(A)(5)~~ 41-2144(A)(4).
- F. Every permit except a special use permit expires six months from the date the permit is issued. The ~~Office~~ Department may extend the permit for good cause.
- G. A licensee or consumer shall obtain a certificate of occupancy from the Department before occupying a commercial factory-built building.
- H. No change
- I. No change
- J. No change
- K. A special use permit for factory-built buildings used for events of 45 days or less ~~may~~ shall be obtained from the Department. The permit ~~is temporary and shall expire~~ expires 45 days from the date of purchase. The unit shall be removed from the site ~~upon the expiration of~~ when the permit expires.

R4-34-803. Soil and Materials

- A. A licensee ~~who that~~ contracts with ~~the a~~ consumer for an installation shall perform or contract for any site preparation necessary to make the site compatible with the manufactured home, mobile home, or residential single-family factory-built building to be installed. The licensee may contract with a licensed installer or other qualified professional to assess site and soil compatibility or perform any necessary preparation work. The party actually performing the site compatibility assessment or work is primarily responsible for work related to site compatibility or preparation. The licensee ~~who that~~ contracts with the consumer, if a different entity, is secondarily responsible.
- B. No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
- C. Materials: An installer or contractor shall
 - ~~1. Use~~ use materials that comply with applicable standards incorporated in R4-34-102: ~~The International Building Code, International Residential Code, International Mechanical Code, Uniform Plumbing Code, as incorporated by reference in 4 A.A.C. 48, National Electrical Code, and HUD standards (24 CFR 3280); and~~
 - ~~2. Test metal supports to ensure they can withstand 15,000 pounds of downward pressure under 24 CFR 3280.401.~~
- D. Footings: An installer or contractor shall:
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - a. Minimum 3/4-inch thick plywood or two layers of 5/8-inch thick plywood no less than 12 inches wide. The plywood shall be Grade CDX APA Rated Sheeting Exposure 1, PSI-treated for ground contact, conforming to International Building Code ~~Section 2303.1.8~~ or International Residential Code ~~Section R402.1.2~~, as applicable under ~~R4-34-102(3)~~ R4-34-102(2)(a) or (b);
 - b. Minimum 2-inch nominal thickness wood no less than 12 inches wide, and treated for ground contact, conforming to the International Building Code ~~Section 2303.1.8~~ or the International Residential Code ~~Section R402.1.2~~,

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as applicable under ~~R4-34-102(3)~~ R4-34-102(2)(a) or (b);

- c. No change
- d. Hard plastic pad with either 256 or 144 square inches of ground surface. The plastic pad shall withstand a minimum vertical concentrated load failure rating of 15,000 pounds when tested on very dense and coarse gravel soils. "Failure" means that ~~cracks~~ a crack at least ~~four~~ 4 inches in length ~~have~~ has appeared anywhere on the pad; or ~~the~~ pad's surface has curled or bowed.
- 6. Stack plywood with face grain perpendicular and fasten the plywood with ~~corrosion-resistant~~ corrosion-resistant nails or 7/16-inch wide-crown staples or screws;
- 7. No change
- 8. No change
- 9. When precast concrete pads are stacked, use pads with equal sized surface sides;
- 10. When concrete masonry unit (CMU) building blocks are ~~utilized~~ used for supports, use only 256 square inch ground and 8 inch by 16 inch caps;
- 11. No change
- 12. No change
- E. Supports (piers): An installer or contractor shall:
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. For a below ground ~~installations~~ installation, ensure that the height of the bottom of the perimeter rim joist is a minimum of ~~six~~ 6 inches above finished grade;
 - 6. No change
 - 7. No change
 - 8. No change
 - 9. Construct permanent support heights to the International Building Code or the International Residential Code as applicable under ~~R4-34-102(3)~~ R4-34-102(2)(a) or (b).
- F. Wedges: An installer or contractor shall:
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. Use material ~~or~~ and methods designed by an Arizona professional engineer or architect and approved by the authority having jurisdiction.
- G. No change
- H. Snow/Wind Loads
 - 1. Under 24 CFR 3282.11 and 3280.305 ~~of the HUD regulations~~, the authority having jurisdiction may not require manufactured homes to be built or installed to a snow load greater than 20 pounds per square foot unless ~~they have the~~ jurisdiction has received approval from HUD.
 - 2. No change
- I. Permanent Foundation Systems
 - 1. An installer or contractor shall install factory-built buildings in compliance with ~~applicable standards incorporated by reference in R4-34-102(3), (4), and (5); the International Building Code, International Residential Code, International Mechanical Code, Uniform Plumbing Code as incorporated by reference in 4 A.A.C. 48, and National Electrical Code R4-34-102(2).~~
 - 2. No change

R4-34-804. Utilities

- A. Utility service facilities— An installer or contractor shall not enter into an agreement to connect units to utility service facilities that are not compatible with the units.
- B. Electric — An installer or contractor shall make all electric connections or installations according to the National Electric Code ~~in R4-34-102(5).~~
 - 1. An installer or contractor shall connect manufactured or mobile homes using a piece of flexible metal conduit no greater than 36 inches and no less than 18 inches long. ~~Liquidtight~~ The installer or contractor shall use liquidtight, flexible metal conduit ~~shall be used~~ when a manufactured home is set at ground level or in a wet locations ~~location~~. The installer or contractor shall connect the flexible metal conduit at the location so that only the rigid conduit emerges from the ground and ~~that~~ the conduit extends at least ~~six~~ 6 inches above ground level.
 - 2. When service equipment is installed on a manufactured home, an installer or contractor shall install the grounding electrode ~~according to the manufacturer's instructions, if the instructions are consistent with this Chapter, or Article~~

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~~250 I & II and table 250.122 of~~ in compliance with the National Electrical Code. The following items shall be installed according to the National Electrical Code:

- a. Feeder size according to Table ~~310-15(B)(6)~~ 310.15(B)(6).
- b. No change
- c. No change
- C. Sewer - An installer or contractor shall make sewer connections or installations ~~according to the Uniform~~ in compliance with the International Plumbing Code, ~~and its appendices, incorporated in R4-34-102(4).~~
- D. Water - An installer or contractor shall make water connections or installations ~~according to the Uniform~~ in compliance with the International Plumbing Code, ~~and its appendices, incorporated in R4-34-102(4).~~
- E. Gas - An installer or contractor shall make gas connections or installations ~~according to the Uniform Plumbing in compliance with the International Fuel Gas Code, and its appendices, incorporated in R4-34-102(4).~~
1. No change
2. No change
- ~~F.3.~~ No change
- F. Mechanical. An installer or contractor shall make mechanical connections and installations in compliance with the International Mechanical Code and the International Energy Conservation Code.

R4-34-805. Accessory Structures

- A. For the purpose of A.R.S. § 41-2142(1), the word “attached” means fastened to ~~the a~~ a manufactured or mobile home; ~~or residential single-family, factory-built building; or accessory structure~~ at the time of its installation and removable without degradation of the structural integrity of the unit.
- B. An installer or contractor shall install, assemble, or construct each accessory structure in compliance with applicable standards incorporated by reference in R4-34-102(3), (4), and (5); ~~the International Building Code, International Residential Code, International Mechanical Code, Uniform Plumbing as incorporated by reference in 4 A.A.C. 48, and the National Electric Code or according to the manufacturer’s installation instructions if the instructions are consistent with this Chapter.~~
- C. An installer or contractor installing manufactured homes, mobile homes, or factory-built buildings shall provide an opening that permits access to the underfloor area. If ~~it~~ the access is through the skirting, retaining wall, or perimeter foundation wall, the access opening shall measure at least 18 inches by 24 inches.
- D. No change
- E. Above or Below Grade Skirting
 1. For all skirting, an installer or contractor shall:
 - a. Provide an 18 inch by 24 inch minimum access crawl hole;
 - b. Ventilate skirting according to the International Building Code or the International Residential Code, ~~as applicable under R4-34-102(3);~~ and
 - c. No change
 2. For below grade skirting, ~~the an~~ an installer or contractor shall:
 - a. ~~Comply with the minimum acceptable below grade skirting design found in the Below Grade Skirting Specifications of Exhibit 1, or~~
 - b. Design design and construct skirting as a retaining wall according to the International Building Code or the International Residential Code, ~~as applicable under R4-34-102(3).~~
 3. ~~The installer or contractor shall use skirting rated for exterior and soil contact.~~

Exhibit 1. Repealed

Illustration 1. Below Grade Skirting Specifications

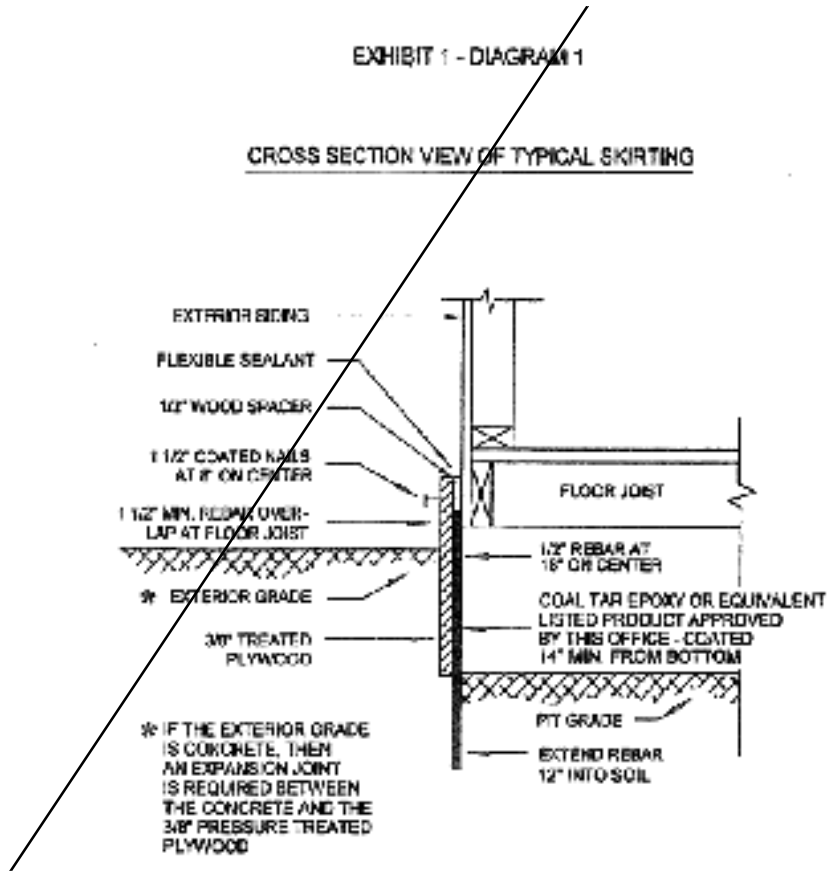
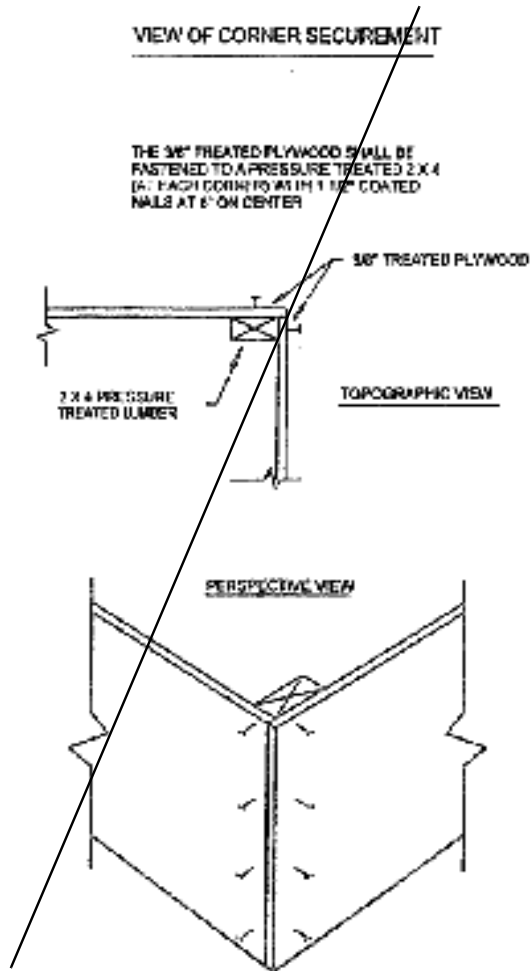


Exhibit 1. (continued)
Illustration 2. View of Corner Securement



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Exhibit 1. (continued)

Illustration 3. 3/8" Treated Plywood Splice Detail

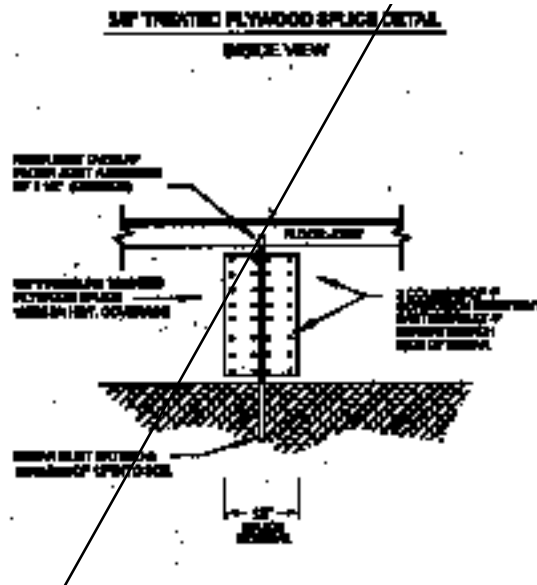
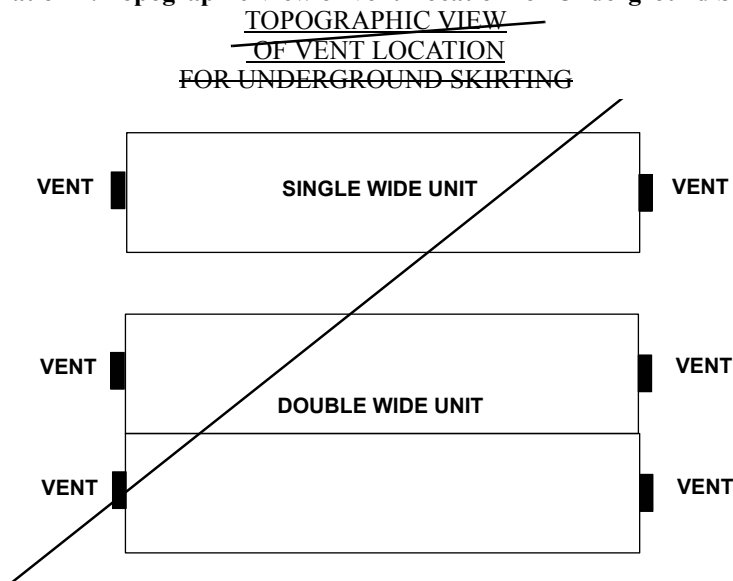


Exhibit 1. (continued)

Illustration 4: Topographic View of Vent Location for Underground Skirting



VENT SIZE SHALL REQUIRE 1 SQUARE FOOT
PER 150 SQUARE FEET OF FLOOR AREA
VENT LOCATIONS ARE OPTIONAL; HOWEVER
CROSS VENTILATION IS REQUIRED.

NOTICE OF FINAL RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

Editor's Note: The following Notice of Final Rulemaking was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 981.) The Governor's Office authorized the notice to proceed through the rulemaking process on July 8, 2010.

[R12-48]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action**
R12-4-422 Amend
- 2. Citations to the agency's statutory authority to include the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 17-231(A)(1)
Implementing statute: A.R.S. §§ 17-101, 17-102, 17-235, 17-236(B), 17-301, 17-306, 17-307, 17-331, 17-333, and 17-371
- 3. The effective date of the rules:**
 - a. If the agency selected a date earlier than the 60 days effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**
Not applicable
 - b. If the agency selected a date later than the 60 days effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(B):**
January 1, 2013, to prevent confusion that may be caused by conflicts between federal and state regulations and rules and to coincide with effective dates for both the U.S. Fish and Wildlife Service (USFWS) Certification and Commission Order #25, Raptor Capture Seasons, the Department requests a later effective date.
- 4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
Notice of Rulemaking Docket Opening: 17 A.A.R. 1772, September 2, 2011
Notice of Proposed Rulemaking: 17 A.A.R. 1742, September 2, 2011
- 5. The agency's contact person who can answer questions about the rulemaking:**
Name: Eric Gardner, Nongame Branch Chief
Address: Game and Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85086
Telephone: (623) 236-7507
Fax: (623) 236-7926
E-mail: EGardner@azgfd.gov
Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml.
- 6. An agency's justification and reason why the rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**
The Commission proposes to amend R12-4-422 to ensure compliance with federal regulations governing falconry, 50 CFR 21 and 22. Currently, members of the public participating in the sport of falconry are regulated on both the federal and state level and must be licensed by, and report to, both the USFWS and the Department.
On October 8, 2008, the USFWS amended regulatory language; eliminating the dual permitting system and transferring falconry permit administration to the individual states.
In order to continue permitting the sport of falconry using Migratory Bird Treaty Act species (MBTA), the Department must submit the amended rule, all applicable statutes, and procedures to USFWS for review and certification by September 1, 2013. On January 1, 2014, federal falconry permitting will cease and any state that is not certified by

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USFWS prior to this date will not be able to allow individuals to capture or hold MBTA species for the purpose of Sport Falconry. If USFWS certification is not received, individuals possessing an MBTA raptor held for falconry in this state must permanently release into the wild, euthanize, or transfer their raptor to a licensed falconer in a certified state or jurisdiction, a captive propagation program, or the Department.

The Commission proposes to amend R12-4-422 to comply with amendments made to the federal regulations, which include amending possession and take allowances, facility requirements, requirements related to acquisition, hacking, reporting, transfer, use of and disposal of raptor feathers and carcasses.

In many cases, amendments to the rule result in the reduction of the regulatory burden on falconers. In addition, the elimination of the dual permitting system will further reduce the regulatory burden.

Under 50 CFR 20.29(b)(1)(iii), a state's rules may be more restrictive than the federal regulations; however, state rules must comply with the federal regulations in that state rules may not be less restrictive. The proposed rule is more restrictive in requiring a re-inspection when a falconer changes addresses and the Department cannot verify that the facility at the new location is the same as the one approved by a prior inspection. A re-inspection is also proposed when a falconer acquires additional raptors and the previous inspection does not indicate the facilities can accommodate a new species or additional raptors.

At this time, there are approximately 100 licensed falconers in Arizona and many licensees can have up to three raptors under their Arizona Sport Falconry License. While not all of these raptors are MBTA species, it is safe to estimate that there are close to 250 MBTA raptors used for falconry in Arizona. If USFWS certification is not received, individuals possessing an MBTA raptor held for falconry in this state must permanently release, euthanize, or transfer their raptor to a licensed falconer in certified state or jurisdiction, a captive propagation program, or the Department. Failure to amend the current rule in a timely manner will result in this federal sanction and a tremendous liability for the state attributable to the anticipated losses suffered by the falconry community.

In addition, the proposed rule reduces the burden on the individuals currently regulated under the rule. Individuals regulated by the rule support the Department's rulemaking.

7. **A reference to any study relevant to the rule that the agency reviewed and proposes to either rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The Commission did not rely on any study in its evaluation of or justification for the rulemaking.

8. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

9. **A summary of the economic, small business, and consumer impact:**

The Department does not anticipate that proposed rulemaking will have a significant impact on the general public, small businesses, or political subdivisions. While actual costs and benefits from the proposed rulemaking are not readily quantifiable, the Department anticipates an increase in administrative costs for the Department's sport falconry license program.

The Department anticipates most falconers will experience an overall financial benefit from revision of this rule, from the elimination of the federal sport falconry permit, representing a \$100 savings.

The Department anticipates requiring a falconer who is licensed in another state or country to apply for an Arizona Sport Falconry License when remaining in the state for more than 180 consecutive days will result in a very small increase in state revenue. However, this increase in revenue and the impact to falconers is anticipated to be nearly insignificant because of the small number of falconers anticipated to remain in the state for longer than the 180-day period.

The Department anticipates the proposed rulemaking will reduce regulatory burden and remove duplicative falconer administrative paperwork generated by the current dual federal and state permitting system. Similarly for the Department, the revised rule may increase administrative and law enforcement costs, but it will also ensure the continuation of revenue from license sales and avoid a federal sanction and a tremendous liability for the state, attributable to the anticipated losses suffered by the falconry community.

10. **A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:**

Throughout the rule, the term "nonresident falconer" was replaced with "falconer licensed in another state" or "falconer licensed in another country," as appropriate, to reduce confusion and improve clarity.

Throughout the rule, "train" and "training" was added at the request of the Arizona Falconers Association to ensure that the training of falconry raptors is an authorized activity.

Throughout the rule, scientific names for raptors were moved to the first reference of the raptor to improve consistency within the rule.

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Under subsection (A), the definition for “nonresident falconer” is removed as this term was replaced with “falconer licensed in another state” or “falconer licensed in another country,” as appropriate, to reduce confusion and improve clarity.

Under subsection (H)(3)(c)(iii), rule language regarding the number of wild raptors is corrected to state “wild caught” raptors ensure a wild raptor transferred from another falconer does not count towards the Master falconer’s possession limit for wild caught raptors.

Under subsection (J), the length of time in which an individual licensed in another state or country must apply for an Arizona Sport Falconry license is expanded to 180 days from 90 days to make the rule less burdensome.

Under subsection (J)(1)(c), rule language regarding health certificate requirements for raptors coming from another state is revised to improve clarity.

Under subsection (J)(2), rule language regarding what raptors a falconer licensed in another country may fly is revised to improve clarity.

Under subsection (M)(1)(a), the term “facility” was inserted after the term “same” to clarify when a re-inspection may be required.

Under subsection (M)(5)(b)(v), rule language regarding suitable equipment when transporting a raptor is revised to allow other reasonable and safe types or equipment applicable to the size and type of raptor being transported.

Under subsection (M)(6), rule language regarding tethering requirements is revised as birds that cannot fly do not require tethering.

Under subsection (R)(1)(d), rule language referencing Gyrfalcons is removed as there are no Gyrfalcons in Arizona.

Under subsection (Q)(3), rule language is revised to account for kestrels and great horned owls.

Under subsection (Q)(5), rule language regarding capture requirements and prohibitions is revised to improve clarity.

Under subsection (Q)(16), rule language regarding depredation authorization is revised to reduce future conflicts due to amendments to USFWS depredation permit regulations.

Under subsection (Q)(16)(c), rule language regarding USFWS contact information is removed as USFWS will have been notified through the USFWS depredation permitting process.

Under subsection (V), rule language regarding the removal of the band from a captive-bred raptor at the time of release is corrected to require the seamless band to remain on the captive-bred raptor.

Under subsection (DD)(3), rule language referencing bald eagles is corrected as a falconer is not permitted to possess a bald eagle.

Under subsection (DD)(3), rule language regarding the disposition of golden eagle feathers is revised to allow a falconer to retain the feathers of any lawfully possessed raptor.

Under subsection (EE), rule language regarding health certificate requirements for raptors coming from another state is revised to improve clarity.

Under subsection (HH) and (II), rule language regarding the intrastate and interstate transfer of raptors is revised to improve clarity.

Under subsection (HH), the scientific names for the sharp-shinned hawk, Cooper’s hawk, merlin, and American kestrel were added to ensure consistency within the rule.

Under subsection (KK)(3)(f), rule language regarding raptor mounts is revised to improve clarity.

Minor grammatical and style corrections were made at the request of the Governor’s Regulatory Review Council staff.

11. An agency’s summary of the public stakeholder comments made about the rulemaking and the agency response to the comments:

Written comment: September 22, 2011 The Department received the following comment from Charlie Kaiser president of the Arizona Falconer’s Association: To whom it may concern: I am the president of the Arizona Falconers Association, the state’s organization of falconers. Since licensed falconers are the major stakeholders in this rule-making process, our organization would like to provide comments on the Notice of Proposed Rulemaking for R12-4-422, Sport Falconry. I would like to thank the rulemaking team at AZGFD for their work on this rule revision. The current proposed rule is very good, but there are still a number of small but significant changes that we feel must be made. Our conversations with the rulemaking team indicate that these changes are acceptable and minor within the scope of the rule. 1) In section (J), there are multiple references to health certificate requirements when bringing a raptor into AZ. These references are somewhat confusing as written and we request that they be rewritten and repositioned to provide clarity about the requirements for health certificates for residents, U.S. non-residents, and foreign non-residents who wish to bring raptors into this state for short visits or permanent possession. 2) Also in section (J), there are requirements for non-resident practice of falconry. Per the federal regulations, it is acceptable for a foreign non-resident falconer to fly a resident’s raptor. We feel that this allowance should be either put in the rule or clarified

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in the preamble or other comments. This is not so much for legal reasons but more to provide clear information for visitors coming to AZ. 3) Section (M)(5)(b)(v) implies a requirement for a “giant hood” or similar container to house a raptor during transit or while away from the falconer’s residence. Federal law allows for the use of a giant hood but makes no requirement for its possession or use. While the giant hood is an excellent tool for falconry, it is by no means a necessary piece of equipment for the falconer or the raptor. We would like this section rewritten to allow the use of giant hoods but to remove any requirement for them. Many falconers do not use giant hoods and should not be required to have them. 4) Section (M)(5)(b)(vi) states “The falconer may use a one-piece jess only when the raptor is not being flown.” This needs to be modified. The recommended language is: “The falconer may use a one-piece jess/anklet combination only when the raptor is not being flown.” (or remove the section completely since it is no longer a federal requirement.) The intent of this regulation is to ensure that raptors, when being free flown, have removable jesses to prevent them from getting entangled if lost to the wild. Since ALL jesses are one-piece jesses, this would effectively prevent the use of any or all jesses while being flown. The normal jess/anklet combination is a grommated or grommetless anklet, with a removable jess inserted through the anklet. This jess can be removed by the raptor. A traditional, or one-piece jess/anklet, combines the two pieces into a single unit not removable by the raptor. It is important to make the distinction and not outlaw a valid piece of equipment that has been legal for many years. The current AZ regulation on this issue explains the difference better, although it could be reworded more simply using our above- recommended language. 5) Section (M)(6) states that “The falconer shall ensure all raptors kept inside a residence are tethered at all times, unless the falconer is moving the raptor into or out of the residence.” While this language is very close to the current federal language, conversations with USFWS (George Allen, 2011, pers. comm.) show that this specific requirement is due for revision in the next amendment cycle. The amendment will allow for non-flighted raptors, specifically eyass raptors, to be housed in a “suitable container” while unflighted. Raising an eyass raptor that is imprinted requires close contact with the bird during its formative period, the first 45 days or so. These very young raptors cannot be tethered without causing physical injury. As they are non-flighted and pose no risk to themselves in a residence, this is what we recommend; this section should be rewritten to say “The falconer shall ensure all flighted raptors kept inside a residence are tethered or kept in a suitable enclosure, unless the falconer is moving the raptor into or out of the residence. Non-flighted raptors may be kept in a suitable container.” Follow-up with USFWS should provide appropriate guidance as to what they are going to post during the amendment cycle, which will come out prior to the adoption of this AZ rule. 6) Section (Q)(3) states “A General or Master falconer may take from the wild a raptor that is less than 1 year of age, including nestlings, when authorized under Commission Order, provided at least one nestling remains in the nest.” This needs to be clarified. The nestling remaining in the nest section should only apply when a nestling is taken and should not be applied when referring to any other take of a wild raptor. Our recommendation is as follows: “A General or Master falconer may take from the wild a raptor that is less than 1 year of age, when authorized under Commission Order. Nestlings may be taken provided at least one nestling remains in the nest.” 7) Also in section (Q)(3), we recommend inclusion of an exception to the one year old rule to allow for take of American Kestrels and Great Horned Owls as per federal regulation and current AZ allowances. This is currently allowed under CO25 but this section would bar that CO from allowing take. 8) Section (HH) refers to a transfer of a raptor “no longer used in the practice of falconry”. This section is somewhat ambiguous and requires clarification. Current language does not specify the reasoning or criteria for “no longer used.” This could be due to an injury or illness to the raptor, or a personal situation with the falconer. Regardless, it should be acceptable to transfer that raptor to another falconry permit, especially another AZ resident falconer. The current language in the section implies allowing this transfer for some raptors but not others. We recommend removing all restrictions on intra-state transfers of falconry raptors and only restricting inter-state transfers as per the federal regulations. This entire section should be rewritten with clearer language. 9) Section (II) prohibits the transfer of a raptor captured on a permit tag for one year. This should be modified to only prohibit inter-state transfer, not intra-state. And the prohibition should also allow for a departmental exception if necessary. There may be legitimate cases for an inter-state transfer. A blanket prohibition is excessively restrictive. Intra-state transfers should be allowed; it doesn’t matter which AZ resident falconer possesses the permit-taken raptor. 10) Section (KK)(f) should be modified to clarify that a mounted raptor no longer counts towards a falconer’s possession limits. Thank you for your time and consideration.

Agency Response: The Department has amended the final rulemaking to incorporate all suggestions submitted by Charlie Kaiser on behalf of the Arizona Falconer’s Association.

Written Comment: September 24, 2011. Thank you for the opportunity to comment on R12-4-422 Sport Falconry. I am in support of the Arizona Falconer’s suggestions written by Charlie Kaiser.

Agency Response: Please see the agency response to the Arizona Falconer’s Association comments, submitted September 22, 2011.

Written Comment: September 25, 2011. I have been a licensed falconer in Arizona for over 40 years. It has been gratifying to see falconry in Arizona and the rules that govern this ancient hunting sport mature together over the years. I am truly excited about the new rule that has been written to bring Arizona into compliance with the Federal falconry guidelines. Thank you to the entire team that has been working to rewrite the falconry regulations. Everyone involved has shown their willingness to listen to the falconry community. They have also diligently put sound biological data ahead of emotion and personal bias. Because of this the new regulations will hold up under the scrutiny of public comment now and the honing effect daily use in the coming years. I completely support the itemized comments submitted by the Arizona Falconers Association. Please implement those recommendations to create the final rule that you refer to the Commission for passage into statute.

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Agency Response: Please see the agency response to the Arizona Falconer's Association comments, submitted September 22, 2011.

Written Comment: September 27, 2011. While I am not currently a licensed falconer, I have been involved with falconry since my childhood through my father and as a cadet falconer at the United States Air Force Academy (1996-2001). I recently moved back to AZ this summer and am looking forward to being involved in the AZ falconry community again. I understand that the regulations are being re-written to bring them in compliance with Federal falconry guidelines. Please consider the itemized comments submitted by the Arizona Falconers Association.

Agency Response: Please see the agency response to the Arizona Falconer's Association comments, submitted September 22, 2011.

Written Comment: September 28, 2011. I ask that AZGFD adopt these new regulations along with the amendments proposed by the Arizona Falconer's Association. I am a member of the Arizona Falconer's Association and have studied these rule changes extensively. I feel these will enhance the sport of Falconry in AZ.

Agency Response: Please see the agency response to the Arizona Falconer's Association comments, submitted September 22, 2011.

Written Comment: October 2, 2011. I would like to provide the following comments on the above referenced Notice of Proposed Rulemaking. Section (M)(6) states: "A licensed falconer may keep a falconry raptor inside the falconer's residence provided a suitable perch is supplied. The falconer shall ensure all raptors kept inside a residence are tethered at all times, unless the falconer is moving the raptor into or out of the residence." I request that the rule-making team adopt the provision that a falconry raptor may be kept inside a falconer's residence as written, but remove completely the requirement that such raptors are to be "tethered at all times." Consider the falconer who has equipped a room in his residence in such a way as to comply with all facility requirements for housing of falconry raptors. His 'indoor' facility would be equivalent to an 'outdoor' facility. Since there is no requirement to tether a raptor in an 'outdoor' facility, why should such a requirement exist for an equivalent 'indoor' facility? Sections (Q)(2) and (Q)(3) specify that falconers may take from the wild birds that are "less than 1 year of age" I encourage the rulemaking team to adopt this rule as written which, of course, is equal to the existing rule. As an aside, I would mention that this rule may not have been strictly enforced in past years with respect to Harris' Hawks. In the interest of preserving the wonderful renewable resource that we enjoy here in Arizona in the form of a robust wild Harris' Hawk population, I would encourage the Department to consider the feasibility of stricter enforcement in this area. I thank you for your work on drafting R12-4-422.

Agency Response: The Department agrees that an indoor facility is equivalent to an outdoor facility, the rule reflects this. However, subsection (M)(6) addresses the incidental use of a residence, not a residence that is converted to meet raptor captivity requirements. The Department agrees that the incident described above regarding enforcement and Harris Hawks occurs, however, the Department holds that this is an enforcement issue as the rule clearly states the restrictions imposed on interstate transfers. Under A.R.S. § 17-309(A)(1), a law enforcement officer may cite any person violating this rule.

12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

a. Whether the rule requires a permit, whether a general permit is used, and if not, the reason why a general permit is not used:

The rulemaking does not require a general permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law, and if so, citation to the statutory authority to exceed the requirements of federal law:

Federal law, 50 CFR 21 and 22, is applicable to the subject of the rule. The proposed rule is more restrictive in requiring a re-inspection when a falconer changes address and the Department cannot verify that the facility at the new location is the same as the one approved by a prior inspection. A re-inspection is also proposed when a falconer acquires additional raptors and the previous inspection does not indicate the facilities can accommodate a new species or additional raptors.

50 CFR 21.29(b)(iii) states, "State, tribal, or territorial laws may be more restrictive than these Federal standards but may not be less restrictive." In addition, A.R.S. § 17-231(A)(1) authorizes the Commission to "[a]dopt rules and establish services it deems necessary to carry out the provisions and purposes of this title" and A.R.S. § 17-235 states, the Commission "may shorten or modify seasons, bag and possession limits and other regulations on migratory birds as it deems necessary."

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

The agency did not receive any analysis that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states.

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13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

50 CFR 10.13, revised October 1, 2010, referenced under R12-4-422(B).

14. Whether the rule previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-4-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

The rulemaking was not previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 4. LIVE WILDLIFE

Section

R12-4-422. Sport Falconry License

ARTICLE 4. LIVE WILDLIFE

R12-4-422. Sport Falconry License

A. For the purposes of this Section, the following definitions apply:

1. "Eyas" means a flightless raptor that is found in the nest and is dependent upon a parent bird for food.
2. "Form 3-186A" means U.S. Fish and Wildlife Service Migratory Bird Acquisition and Disposition Report, Form 3-186A, dated July 1999, not including any later revisions. This form is incorporated by reference. A copy of the incorporated form is on file with the Secretary of State and available from the U.S. Fish and Wildlife Service, Migratory Bird Permit Office, P.O. Box 709, Albuquerque, New Mexico, 87103-0709, and all Arizona Game and Fish Department Regional offices.
3. "Passage" means a raptor in immature plumage, capable of flight and able to hunt and obtain its own food, and which is less than 1 year of age.
4. "Raptor" means a live bird of the order Falconiformes or the order Stringiformes, other than a bald eagle (*haliaeetus leucocephalus*), which under the provisions of this rule may be used in the practice of falconry.
5. "Sponsor" means a licensed Class II or Class III falconer who agrees to supervise and instruct no more than three Class I falconers in the practice of falconry at any one time.

B. An Arizona resident possessing any raptor for the purpose of sport falconry shall possess an Arizona Sport Falconry License. An Arizona resident possessing a raptor not listed in 50 CFR 10.13 for a purpose other than sport falconry is not required to possess an Arizona Sport Falconry License. Visiting nonresident falconers licensed in their state of residency are exempted under R12-4-407.

C. The Department shall inspect the raptor housing facilities and equipment of any applicant not previously licensed in Arizona, and determine that the facilities and equipment meet the requirements of this rule, before issuing a license to the applicant. A license is valid from the date it is issued by the Department until the third December from the date of issue. The Department shall issue a Sport Falconry License to an applicant who complies with application procedures in this rule and meets the following criteria:

1. For a Class I Apprentice Sport Falconry License:
 - a. Is 14 years of age or older;
 - b. Has a sponsor at the time of application, and shall provide to the Department a written commitment from the sponsor to continue sponsoring the applicant for the first two years as a licensed falconer;
 - c. Answers correctly at least 80% of the questions on an examination supervised and administered by the Department and approved by the U.S. Fish and Wildlife Service, relating to basic biology, care, and handling of raptors, and other subject matter related to falconry.
2. For a Class II General Sport Falconry License:
 - a. Is 18 years of age or older;
 - b. Has at least two years of falconry experience at the Class I level, computed from the date that the applicant obtained the first Class I Apprentice Sport Falconry License.
3. For a Class III Master Sport Falconry License:
 - a. Is 23 years of age or older;
 - b. Has at least five years of falconry experience at the Class II level, computed from the date that the applicant obtained the first Class II General Sport Falconry License.

D. Any new resident shall make application for an Arizona Sport Falconry License within 30 days of importing any raptor possessed by the authority of a license authorizing falconry issued by another lawful jurisdiction. Any applicant for an

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Arizona Sport Falconry License shall present any raptor in possession for inspection at the time their facilities are inspected.

- E. Applicants shall provide the following information on a form available from the Department, and shall sign the completed form:
 - 1. Name, address, and telephone number;
 - 2. Physical description and date of birth;
 - 3. Valid Arizona hunting license number and identification number;
 - 4. The Sport Falconry License classification desired. Class I applicants shall supply their sponsor's name and address on the form;
 - 5. The number of raptors the applicant possesses at the time of application and the species; age, if known; sex, if known; band numbers (if banded); date of acquisition; and source of each.
- F. A Class I licensee may possess only one raptor at a time; the raptor may be lawfully obtained in another state. The Class I licensee shall obtain all birds from the wild and shall not obtain more than one raptor for replacement purposes during any 12-month period. A Class I licensee shall not take an eyas bird.
- G. A Class II licensee shall not possess more than two raptors at a time. The raptors may be any species except a golden eagle or a species listed as endangered or threatened. A Class II licensee shall not obtain more than two raptors during any 12-month period.
- H. A Class III licensee shall not possess more than three raptors at a time. The raptors may be of any species. A Class III licensee shall not obtain more than two raptors taken from the wild during any 12-month period, but may obtain raptors from other lawful sources within the three-raptor possession limit.
- I. All Sport Falconry License applicants and licensees shall provide either an indoor or outdoor housing facility with the following attributes, designed to protect the raptor from the environment, predators and undue disturbances:
 - 1. Indoor facilities:
 - a. An area large enough to allow easy access for caring for the raptors housed in the facility;
 - b. An area for each bird large enough to allow each raptor to fully extend its wings, with perches textured to prevent foot problems;
 - c. At least one window, protected on the inside by vertical bars, spaced narrower than the width of the raptor's body, and a door that can be easily closed and secured;
 - d. A well drained floor designed to permit easy cleaning;
 - e. Tethers or partitions separating each raptor, if the licensee is keeping more than one raptor in the same facility.
 - 2. Outdoor facilities:
 - a. A fenced and covered enclosure with netting or wire, or roofed to protect the raptors from disturbance and attack by predators, except that perches more than 6 1/2 feet high need not be covered or roofed;
 - b. An enclosed area large enough to ensure the raptors cannot strike the fence when flying from the perch;
 - c. Protection from the sun, wind, and inclement weather for each raptor and perches which are textured to prevent foot problems.
- J. All Sport Falconry License applicants and licensees shall possess and use the following equipment:
 - 1. At least one pair of jesses constructed of pliable, high-quality leather or synthetic material, containing bracelets to affix to each leg of a raptor, with a grommet through which a strap passes freely so that an escaped raptor can pull the strap out of the bracelet. The licensee shall use this equipment when any raptor is flown free. Licensees may use traditional one-piece jesses on raptors only when not being flown;
 - 2. At least one flexible, weather resistant leash and one strong swivel designed for falconry;
 - 3. At least one container, 2 to 6 inches deep and wider than the length of the raptor, for drinking and bathing for each raptor;
 - 4. At least one raptor perch for each raptor;
 - 5. A reliable scale or balance suitable for weighing the raptor or raptors, held and graduated to increments of not more than 1/2 ounce, or 15 grams.
- K. A Sport Falconry License Class I, II, or III falconer licensed in Arizona or a state recognized by the U.S. Fish and Wildlife Service as meeting federal falconry standards may capture raptors for the purpose of falconry only, in accordance with the Commission order establishing raptor capture seasons for licensed falconers. When there is reason to believe that a species of raptors may be over harvested by nonresidents if the number of permits is not limited, the Commission shall specify the number of permits available to nonresidents in the Commission order:
 - 1. During capture, the licensee shall have in possession the Sport Falconry License or falconer license issued by another lawful jurisdiction, Arizona hunting license, and any required hunt permit tag issued to that licensee.
 - 2. The licensee shall immediately release any nontarget raptor inadvertently captured. If the raptor is wearing a band or other marker the licensee shall report the capture and release of the marked bird to the Department, along with any identifying number and related information.
 - 3. The licensee shall not remove any eyas raptor from any nest unless one or more live eyas raptors remain in the nest after the removal.

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4. The licensee may capture raptors only with traps or bird nets which are unlikely to cause injury to the raptor, and shall not use mist nets, steel-jawed traps, or stupefying substances.
 5. The licensee shall ensure that all traps or nets in use are in constant attendance, and that any raptor trap or net being used is plainly identified with the licensee's name and address.
 6. The licensee shall present each captured Harris hawk, Gyrfalcon, or Peregrine falcon to the Department within five calendar days after capture. A Department representative shall attach a numbered band to one leg of the lawfully obtained raptor. This band shall not be removed except by an authorized official of the Department, or except as provided in this rule. Licensees shall not alter, counterfeit, or deface a band but may remove the rear tab on the band and may smooth any imperfect surface provided the integrity of the band and numbering are not affected. Raptors other than Harris Hawks, Gyrfalcons, or Peregrine falcons shall not be banded.
- L.** A licensee may exhibit or use for educational display a lawfully held raptor.
- M.** Licensees may retain and exchange feathers that are molted or those feathers from raptors held in captivity that die only for purposes of repairing or replacing a broken feather with a feather.
- N.** If any raptor used in falconry incidentally kills any species of wildlife for which there is no open season or for which the season is closed, the licensee shall not take the dead wildlife into possession. The licensee shall leave the wildlife where it lies, but may allow the raptor making the kill to feed on the dead wildlife before leaving the site.
- O.** Licensees may transfer raptors taken from the wild in Arizona to an Arizona resident's federal raptor propagation license, with the concurrence of the U.S. Fish and Wildlife Service.
- P.** A licensee shall not transfer a raptor taken from the wild in Arizona to another falconer or raptor breeder licensed outside of Arizona, or export the raptor from the state, without written authorization from the Department. The Department shall not authorize exportation transactions involving more than two raptors taken from the wild in Arizona, singly or in combination, per licensee in any calendar year. The Department shall deny any request for authorization of exportation when the number or species which have been or are being exported is not in the best interest of raptor management.
- Q.** A licensee may place a raptor or raptors listed in 50 CFR Part 10.13 in temporary facilities, under the care of another licensee, for a period not to exceed 30 days, providing that the licensee completes a Form 3-186A naming the temporary caregiver as the recipient and provides the raptor to the temporary caregiver to retain at the location where the raptor is being held. A licensee possessing a non-listed raptor may place it under the care of another person without restriction.
- R.** A licensee may do one of the following when in possession of a raptor no longer used in the practice of falconry:
1. Release the raptor to the wild into suitable habitat, provided that the raptor was taken from the wild in Arizona, and that all jesses, markers, or other equipment are removed, and that any federal marker is removed and returned to the Department within 10 days of release;
 2. Give the raptor to another licensed falconer, except as provided in subsection (P);
 3. Transfer the raptor to the Department;
 4. Sell or trade the raptor, if it is a lawfully possessed captive bred raptor marked with a seamless leg band.
- S.** Licensees changing residence to another jurisdiction may export their lawfully possessed raptors.
- T.** A licensee shall transfer the carcass of a raptor listed in 50 CFR Part 10.13 to a Department office, or destroy the carcass after receiving authorization for destruction of the carcass from the Department. The licensee shall remove any federal markers prior to destroying the carcass and return the markers to the Department.
- U.** A licensee shall report the escape of a raptor to the Department within five days. Any licensed falconer may recapture an escaped raptor at any time and shall notify the Department within five calendar days of the capture.
- V.** Within five calendar days of acquiring a raptor for falconry purposes, or disposing of a raptor possessed under the authority of this Section, a sport falconry licensee shall submit a copy of Form 3-186A to the Department, completed and signed in accordance with the instructions on the form.
- W.** A sport falconry licensee shall comply with R12-4-409.
- X.** For federal requirements and permits, a sport falconry licensee shall consult applicable U.S. Fish and Wildlife Service regulations governing the possession and use of raptors.
- A.** In addition to the definitions provided under A.R.S. § 17-101, R12-4-101, and R12-4-401, and for the purposes of this Section, the following definitions apply:
- "Abatement services" means the use of raptors possessed under a falconry permit for the control of nuisance species.
- "Captive-bred raptor" means a raptor hatched in captivity.
- "Hack" means the temporary release of a raptor into the wild to condition the raptor for use in falconry.
- "Health certificate" means a certification issued by an accredited veterinarian.
- "Imping" means using a molted feather to replace or repair a damaged or broken feather.
- "Retrices" means a raptor's tail feathers.
- "Sponsor" means a licensed General or Master falconer with a valid Arizona Sport Falconry license who has committed to mentoring an Apprentice falconer.
- "Suitable perch" means a perch that is of the appropriate size and texture for the species of raptor using the perch.

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“USFWS” means the U.S. Fish and Wildlife Service.

“Wild raptor” means a raptor taken from the wild, regardless of how long the raptor is held in captivity or whether the raptor is transferred to another licensed falconer or other permit type.

- B. An Arizona Sport Falconry license permits an individual to possess and train a raptor for the purpose of sport falconry in compliance with the Migratory Bird Treaty Act and the Endangered Species Act of 1973. A resident who possesses or intends to possess a raptor for the purpose of sport falconry shall hold an Arizona Sport Falconry license, unless the individual is exempt under A.R.S. § 17-236(C) or possesses only raptors not listed under 50 CFR 10.13, revised October 1, 2010, and no later amendments or editions. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.
- C. The Department shall comply with the licensing time-frame established under R12-4-106 to issue a Sport Falconry license and collect the fee established under R12-4-102.
- D. A licensed falconer may possess and train wild, captive-bred, or hybrid raptors, subject to the limitations established under subsections (H)(1), (2), and (3), as applicable.
- E. In addition to the requirements established under this Section, a licensed falconer shall also comply with special license requirements established under R12-4-409.
- F. A Sport Falconry license does not authorize a licensed falconer to capture or release a raptor or practice falconry on public lands where prohibited or on private property without permission from the landowner or land management agency.
- G. The Department shall deny a license to an individual who fails to meet the requirements established under R12-4-409, R12-4-428, or this Section. The Department shall provide a written notice to an applicant stating the reason for the denial. The individual may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- H. The Department may issue a Sport Falconry license for the following levels to an eligible individual:
 - 1. Apprentice level license:
 - a. An Apprentice falconer shall:
 - i. Be at least 12 years of age; and
 - ii. Have a sponsor while practicing falconry as an apprentice. When a sponsorship is terminated, the apprentice is prohibited from practicing falconry until a new sponsor is acquired. After acquiring a new sponsor, an apprentice shall submit a written statement from the new sponsor to the Department within 30 days. The written statement shall meet the requirements established under subsection (K)(3)(a)(v).
 - b. An Apprentice falconer may possess only one raptor at a time for use in falconry.
 - c. An Apprentice falconer is prohibited from possessing any:
 - i. Federally listed threatened or endangered species.
 - ii. Raptor taken from the wild as a nestling.
 - iii. Raptor that has imprinted on humans.
 - iv. Bald eagle (*Haliaeetus leucocephalus*).
 - v. White-tailed eagle (*Haliaeetus albicilla*).
 - vi. Steller’s sea-eagle (*Haliaeetus pelagicus*), or
 - vii. Golden eagle (*Aquila chrysaetos*).
 - 2. General level license:
 - a. A General falconer shall:
 - i. Be at least 16 years of age; and
 - ii. Have practiced falconry as an apprentice falconer for at least two years, including maintaining, training, flying, and hunting with a raptor for at least four months in each year. An applicant cannot substitute any falconry school or educational program to shorten the two-year Apprentice period.
 - b. A General falconer may possess up to three raptors at a time for use in falconry.
 - c. A General falconer is prohibited from possessing a:
 - i. Bald eagle.
 - ii. White-tailed eagle.
 - iii. Steller’s sea-eagle, or
 - iv. Golden eagle.
 - 3. Master level license:
 - a. A Master falconer shall have practiced falconry as a General falconer for at least five years using raptors possessed by that falconer.
 - b. A Master falconer may possess:
 - i. Any species of wild, captive-bred, or hybrid raptor.
 - ii. Any number of captive-bred raptors provided they are trained and used in the pursuit of wild game; and
 - iii. Up to three of the following species, provided the requirements established under subsection (H)(3)(d) are met: Golden eagle, White-tailed eagle, or Steller’s Sea eagle.
 - c. A Master falconer is prohibited from possessing:
 - i. More than three eagles.

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- ii. A bald eagle, or
 - iii. More than five wild caught raptors.
 - d. A Master falconer who wishes to possess an eagle shall apply for and receive approval from the Department before possessing an eagle for use in falconry. The licensed falconer shall submit the following documentation to the Department before a request may be considered:
 - i. Proof the licensed falconer has experience in handling large raptors such as, but not limited to, ferruginous hawks (*Buteo regalis*) and goshawks (*Accipiter gentilis*);
 - ii. Information regarding the raptor species, to include the type and duration of the activity in which the experience was gained; and
 - iii. Written statements of reference from two individuals who have experience handling or flying large raptors such as, but not limited to, eagles, ferruginous hawks, and goshawks. Each written statement shall contain a concise history of the author's experience with large raptors, and an assessment of the applicant's ability to care for and fly an eagle.
- I. A sponsor shall:
 - 1. Be at least 18 years of age;
 - 2. Have practiced falconry as a General falconer for at least two years;
 - 3. Sponsor no more than three apprentices during the same period of time;
 - 4. Notify the Department within 30 consecutive days after a sponsorship is terminated;
 - 5. Determine the appropriate species of raptor for possession by an apprentice; and
 - 6. Provide instruction pertaining to the:
 - a. Husbandry, training, and trapping of raptors held for falconry;
 - b. Hunting with a raptor; and
 - c. Relevant wildlife laws and regulations.
- J. A falconer licensed in another state or country is exempt from obtaining an Arizona Sport Falconry license under R12-4-407(A)(7), unless remaining in Arizona for more than 180 consecutive days. A falconer licensed in another state or country and who remains in this state for more than the 180-day period shall apply for an Arizona Sport Falconry license in order to continue practicing sport falconry in this state. The falconer licensed in another state or country shall present a copy of the out-of-state or out-of-country falconry license, or its equivalent, to the Department upon request.
 - 1. A falconer licensed in another state shall:
 - a. Comply with all applicable state and federal falconry regulations.
 - b. Possess only those raptors authorized under the out-of-state sport falconry license, and
 - c. Provide a health certificate for each raptor possessed under the out-of-state sport falconry license when the raptor is present in this state for more than 30 consecutive days. The health certificate may be issued after the date of the interstate importation, but shall have been issued no more than 30 consecutive days prior to the interstate importation.
 - 2. A falconer licensed in another country may possess, train, and use for falconry only those raptors authorized under the out-of-country sport falconry license, provided the import of that species into the U.S. is not prohibited. This subsection does not prohibit the falconer from flying or training a raptor lawfully possessed by any other licensed falconer.
 - 3. A falconer licensed in another country is prohibited from leaving an imported raptor in this state, unless authorized under federal permit. The falconer shall report the death or escape of a raptor possessed by that falconer to the Department as established under subsection (O)(1) or prior to leaving the state, whichever occurs first.
 - 4. A falconer licensed in another country shall:
 - a. Comply with all applicable state and federal falconry regulations;
 - b. Comply with falconry licensing requirements prescribed by the country of licensure not in conflict with federal or state law;
 - c. Notify the Department no less than 30 consecutive days prior to importing a raptor into this state;
 - d. Provide a health certificate, issued no earlier than 30 consecutive days prior to the date of importation, for each raptor imported into this state; and
 - e. Attach two functioning radio transmitters to any raptor imported into this country by the falconer while flown free in this state by any falconer.
- K. An applicant for a Sport Falconry license shall submit a completed application to any Department office. The application is furnished by the Department and available at any Department office or online at www.azgfd.gov.
 - 1. An applicant shall provide all of the following information on the application:
 - a. Falconry level desired;
 - b. Name;
 - c. Date of birth;
 - d. Telephone number, when available;
 - e. Mailing address;

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- f. Department I.D. number or Social Security number;
 - g. E-mail address, when available;
 - h. Applicant's physical description:
 - i. Gender;
 - ii. Weight;
 - iii. Eye color;
 - iv. Hair color;
 - i. Arizona Hunting license number;
 - j. Number of years of experience as a falconer;
 - k. Current Falconry license level;
 - l. Physical address of a facility when the raptor is kept at another location, when applicable;
 - m. Information documenting all raptors possessed by the applicant at the time of application, to include:
 - i. Species;
 - ii. Subspecies, when applicable;
 - iii. Age;
 - iv. Sex;
 - v. Band or microchip number, as applicable;
 - vi. Date and source of acquisition; and
 - n. Applicant's signature;
 - o. Parent or legal guardian's signature, when the applicant is under the age of 18;
 - p. Date of application; and
 - q. Any other information required by the Department.
 - 2. An applicant shall certify that the applicant has read and is familiar with the regulations under 50 CFR 13 and the other applicable parts in 50 CFR Chapter I, Subchapter B and that the information submitted is complete and accurate to the best of the applicant's knowledge and belief.
 - 3. In addition to the information required under subsection (K)(1), an individual applying for:
 - a. An Apprentice level license shall also provide the sponsor's:
 - i. Name;
 - ii. Date of birth;
 - iii. Mailing address;
 - iv. Department I.D. number or Social Security number; and
 - v. A written statement from the sponsor stating that the falconer agrees to sponsor the applicant.
 - b. A General level license shall also provide:
 - i. Information documenting the applicant's experience in maintaining falconry raptors, to include the species and period of time each raptor was possessed while licensed as an Apprentice falconer; and
 - ii. A written statement from the sponsor certifying that the applicant has practiced falconry at the Apprentice falconer level for at least two years, and maintained, trained, flown, and hunted with a raptor for at least four months in each year.
 - c. A Master level license shall certify that the falconer has practiced falconry as a General falconer for at least five years.
 - L. An applicant for any level Sport Falconry license shall pay all applicable fees established under R12-4-102.
 - M. The Department shall inspect the applicant's raptor facilities, materials, and equipment to verify compliance with requirements established under R12-4-409(G), R12-4-428, and this Section before issuing a Sport Falconry license. The applicant or licensed falconer shall ensure all raptors currently possessed by the falconer and kept in the facility are present at the time of inspection.
 - 1. Department may re-inspect a facility:
 - a. After a change of location, when the Department cannot verify the facility is the same facility as the one approved by a previous inspection; or
 - b. Prior to the acquisition of a new species or addition of another raptor when the previous inspection does not indicate the facilities can accommodate a new species or additional raptor.
 - 2. A licensed falconer shall notify the Department no more than five business days after changing the location of a facility.
 - 3. When a facility is located on property not owned by the licensed falconer, the falconer shall provide a written statement signed and dated by the property owner at the time of inspection. The written statement shall specify that the licensed falconer has permission to keep a raptor on the property and the property owner permits the Department to inspect the falconry facility at any reasonable time of day and in the presence of the licensed falconer.
 - 4. A licensed falconer shall ensure the facility:
 - a. Provides a healthy and safe environment;
 - b. Is designed to keep predators out.

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- c. Is designed to avoid injury to the raptor.
- d. Is easy to access.
- e. Is easy to clean, and
- f. Provides access to fresh water and sunlight.
- 5. In addition to the requirements established under R12-4-409(G) and R12-4-428:
 - a. A licensed falconer shall ensure facilities where raptors are held have:
 - i. A suitable perch that is protected from extreme temperatures, wind, and excessive disturbance for each raptor;
 - ii. At least one opening for sunlight; and
 - iii. Walls that are solid, constructed of vertical bars spaced narrower than the width of the body of the smallest raptor housed therein, or any other suitable materials approved by the Department.
 - b. A licensed falconer shall possess all of the following equipment:
 - i. At least one flexible, weather-resistant leash;
 - ii. One swivel appropriate to the raptor being flown;
 - iii. At least one water container, available to each raptor kept in the facility, that is at least 2 inches deep and wider than the length of the largest raptor using the container;
 - iv. A reliable scale or balance suitable for weighing raptors, graduated in increments of not more than 15 grams;
 - v. Suitable equipment that protects the raptor from extreme temperatures, wind, and excessive disturbance while transporting or housing a raptor when away from the permanent facility where the raptor is kept; and
 - vi. At least one pair of jesses constructed of suitable material or Alymeri jesses consisting of an anklet, grommet, and removable strap that attaches the anklet and grommet to a swivel. The falconer may use a one-piece jess only when the raptor is not being flown.
- 6. A licensed falconer may keep a falconry raptor inside the falconer's residence provided a suitable perch is supplied. The falconer shall ensure all flighted raptors kept inside a residence are tethered or otherwise restrained at all times, unless the falconer is moving the raptor into or out of the residence. This subsection does not apply to unflighted eyas, which do not need to be tethered or otherwise restrained.
- 7. A licensed falconer may keep multiple raptors together in one enclosure untethered only when the raptors are compatible with each other.
- 8. A licensed falconer may keep a raptor temporarily outdoors in the open provided the raptor is continually under observation by the falconer or an individual designated by the falconer.
- 9. A licensed falconer may keep a raptor in a temporary facility that the Department has inspected and approved for no more than 120 consecutive days.
- 10. A licensed falconer may keep a raptor in a temporary facility that the Department has not inspected or approved for no more than 30 consecutive days. The falconer shall notify the Department of the temporary facility prior to the end of the 30-day period. The Department may inspect a temporary facility as established under R12-4-409(G).
- N. Prior to the issuance of a Sport Falconry license, an applicant shall:
 - 1. Present proof of a previously held state-issued sport falconry license, or
 - 2. Correctly answer at least 80% of the questions on the Department administered written examination.
 - a. An individual whose Sport Falconry license is expired more than five years shall take the examination. The Department shall issue to an eligible applicant a license for the sport falconry license type previously held by the applicant after the applicant correctly answers at least 80% of the questions on the written examination and presents proof of the previous Sport Falconry license.
 - b. An individual who holds a falconry license issued in another country shall correctly answer at least 80% of the questions on the written examination. The Department shall determine the level of license issued based upon the applicant's documentation.
- O. A licensed falconer shall submit electronically a 3-186A form to report:
 - 1. Any of the following raptor possession changes to the Department no more than 10 business days after the occurrence:
 - a. Acquisition.
 - b. Banding.
 - c. Escape into the wild without recovery after 30 consecutive days have passed.
 - d. Death.
 - e. Microchipping.
 - f. Rebanding.
 - g. Release.
 - h. Take, or
 - i. Transfer.
 - 2. A falconer shall immediately report to the Department and USFWS upon discovering the theft of a raptor.
- P. A licensed falconer shall print and maintain copies of all required electronic database submissions for each falconry raptor

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possessed by the falconer. The falconer shall retain copies of all submissions for a period of five years from the date on which the raptor left the falconer's possession.

- Q.** A licensed falconer or an individual with a valid falconry license, or its equivalent, issued by any state meeting federal falconry standards may capture a raptor for the purpose of falconry only when authorized by Commission Order.
1. A falconer attempting to capture a raptor shall possess:
 - a. A valid Arizona Sport Falconry license or valid falconry license, or its equivalent, issued by another state; and
 - b. Any required Arizona hunt permit-tag issued to the licensed falconer for take of the authorized raptor; and
 - c. A valid Arizona hunting or combination license. A Three-Day Class H Hunting license is not valid for capturing a raptor under this subsection.
 2. An Apprentice falconer may take from the wild:
 - a. Any raptor not prohibited under subsection (H)(1)(c) that is less than 1 year of age, except nestlings; or
 - b. An adult raptor.
 3. A General or Master falconer may take from the wild:
 - a. A raptor of any age, including nestlings, provided at least one nestling remains in the nest; or
 - b. An adult raptor.
 4. A licensed falconer shall take no more than two raptors from the wild for use in falconry each calendar year. For the purpose of take limits, a raptor is counted towards the licensed falconer's take limit by the falconer who originally captured the raptor.
 5. A falconer attempting to capture a raptor shall:
 - a. Not use stupefying substances;
 - b. Use a trap or bird net that is not likely to cause injury to the raptor;
 - c. Ensure that each trap or net the falconer is using is continually attended; and
 - d. Ensure that each trap used for the purpose of capturing a raptor is marked with the falconer's name, address, and license number.
 6. A licensed falconer shall report the injury of any raptor injured due to capture techniques to the Department. The falconer shall transport the injured raptor to a veterinarian or licensed rehabilitator and pay for the cost of the injured raptor's care and rehabilitation. After the initial medical treatment is completed, the licensed falconer shall either:
 - a. Keep the raptor and the raptor shall count towards the falconer's take and possession limit, or
 - b. Transfer the raptor to a permitted wildlife rehabilitator and the raptor shall not count against the falconer's take or possession limit.
 7. When a licensed falconer takes a raptor from the wild and transfers the raptor to another falconer who is present at a capture site, the falconer receiving the raptor is responsible for reporting the take of the raptor.
 8. A General or Master falconer may capture a raptor that will be transferred to another licensed falconer who is not present at the capture site. The falconer who captured the raptor shall report the take of the raptor and the capture shall count towards the General or Master falconer's take limit. The General or Master falconer may then transfer the raptor to another falconer.
 9. A General or Master falconer may capture a raptor for another licensed falconer who cannot attend the capture due to a long-term or permanent physical impairment. The licensed falconer with the physical impairment is responsible for reporting the take of the raptor and the raptor shall count against his or her take and possession limits.
 10. A licensed falconer may capture any raptor displaying a seamless metal band, or any other item identifying it as a falconry raptor, regardless of whether the falconer is prohibited from possessing the raptor. The falconer shall return the recaptured raptor to the falconer of record. The raptor shall not count towards the falconer's take or possession limits, provided the falconer reports the temporary possession of the raptor to the Department no more than five consecutive days after capturing the raptor:
 - a. When the falconer of record cannot or does not wish to possess the raptor, the falconer who captured the raptor may keep the raptor, provided the falconer is eligible to possess the species and may do so without violating any provisions established under this Section.
 - b. When the falconer of record cannot be located, the Department shall determine the disposition of the recaptured raptor.
 11. A licensed falconer may capture and shall report the capture of any raptor wearing a transmitter to the Department no more than five business days after the capture. The falconer shall attempt to contact the researcher or licensed falconer who applied the transmitter and facilitate the replacement or retrieval of the transmitter and raptor. The falconer may possess the raptor for no more than 30 consecutive days while waiting for the researcher or falconer to retrieve the transmitter and raptor. The raptor shall not count towards the falconer's take or possession limits, provided the falconer reports the temporary possession of the raptor to the Department no more than five consecutive days after capturing the raptor. The Department shall determine the disposition of a raptor when the researcher or falconer does not replace the transmitter or retrieve the raptor within the initial 30-day period.
 12. A licensed falconer may capture any raptor displaying a federal Bird Banding Laboratory (BBL) aluminum research band or tag, except a peregrine falcon (*Falco peregrinus*). A licensed falconer who captures a raptor wearing a

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research band or tag shall report the following information to BBL, by calling 1(800) 327-2263, and the Department:

- a. Species,
- b. Band or tag number,
- c. Location of the capture, and
- d. Date of capture.

13. A licensed falconer may recapture a falconer's lost or any escaped falconry raptor at any time. The Department does not consider the recapture of a wild falconry raptor as taking a raptor from the wild.
14. When attempting to trap a raptor in Cochise, Graham, Pima, Pinal, or Santa Cruz counties, a licensed falconer shall:
 - a. Not begin trapping while a northern aplomado falcon (*Falco femoralis septentrionalis*) is observed in the vicinity of the trapping location.
 - b. Suspend trapping when a northern aplomado falcon arrives in the vicinity of the trapping location.
15. In addition to the requirements in subsection (Q)(14), an apprentice falconer shall be accompanied by a General or Master falconer when attempting to capture a raptor in Cochise, Graham, Pima, Pinal, or Santa Cruz counties.
16. A licensed Master falconer may take up to two golden eagles from the wild only as authorized under 50 CFR 22. The Master falconer may:
 - a. Capture an immature or sub-adult golden eagle, or
 - b. Take a nestling from its nest or a nesting adult golden eagle in a livestock depredation area if a biologist representing the agency responsible for declaring the depredation area determines the adult eagle is preying on livestock or wildlife and that any nestling of the adult will be taken by a falconer authorized to possess it.
 - c. The falconer shall inform the Department of the capture plans in person, in writing, or by telephone at least three business days before trapping is initiated. The falconer may send written notification to the Arizona Game and Fish Department's Law Enforcement Programs Coordinator at 5000 West Carefree Highway, Phoenix, Arizona 85086.
17. A licensed falconer shall ensure any falconry activities the falconer is conducting do not cause unlawful take under the Endangered Species Act of 1973, 16 U.S.C. 1531 through 1534, or the Bald and Golden Eagle Protection Act, 16 U.S.C. 668 through 668d. The Department or USFWS may provide information regarding where take is likely to occur. The falconer shall report the take of any federally listed threatened or endangered species or bald or golden eagle to the USFWS Arizona Ecological Services Field Office.

R. A licensed falconer shall comply with all of the following banding requirements:

1. A licensed falconer shall ensure the following raptors are banded after capture:
 - a. Northern Goshawk,
 - b. Harris's hawk (*Parabuteo unicinctus*), and
 - c. Peregrine falcon.
2. The falconer shall request a band no more than five consecutive days after the capture of a raptor by contacting the Department. A Department representative or a General or Master licensed falconer may attach the USFWS leg band to the raptor.
3. A licensed falconer shall not use a counterfeit, altered, or defaced band.
4. A falconer holding a federal propagation permit shall ensure a raptor bred in captivity wears a seamless metal band furnished by USFWS, as prescribed under 50 CFR 21.30.
5. A licensed falconer may remove the rear tab on a band and smooth any imperfections on the surface, provided doing so does not affect the band's integrity or numbering.
6. A licensed falconer shall report the loss of a band to the Department no more than five business days after discovering the loss. The falconer shall reband the raptor with a new USFWS leg band furnished by the Department.

S. A licensed falconer may request Department authorization to implant an ISO-compliant [134.2 kHz] microchip in lieu of a band into a captive-bred raptor or raptor listed under subsection (R)(1) when the band is causing the raptor injury or health issues.

1. The falconer shall submit a written request and a statement from a licensed veterinarian indicating the band is causing the raptor injury or health issues.
2. The falconer shall retain a copy of the Department's written authorization and any associated documentation for a period of five years from the date the raptor permanently leaves the falconer's possession.
3. The falconer is responsible for the cost of implanting the microchip and any associated veterinary fees.

T. A licensed falconer may allow a falconry raptor to feed on any species of wildlife incidentally killed by the raptor for which there is no open season or for which the season is closed, but shall not take such wildlife into possession.

U. A General or Master falconer may hack a falconry raptor. Any raptor the falconer is hacking shall count towards the falconer's possession limit during hacking.

1. A falconer is prohibited from hacking a raptor near the nesting area of a federally threatened or endangered species or in any other location where the raptor is likely to disturb or harm a federally listed threatened or endangered species. The Department may provide information regarding where this is likely to occur.
2. A licensed falconer shall ensure any hybrid raptor flown free or hacked by the falconer is equipped with at least two

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- functioning radio transmitters.
- V.** A licensed falconer may release:
1. A wild-caught raptor permanently into the wild under the following circumstances:
 - a. The raptor is native to Arizona.
 - b. The falconer removes the raptor's falconry band prior to release, and
 - c. The falconer releases the raptor in a suitable habitat and under suitable seasonal conditions.
 2. A captive-bred raptor permanently into the wild only when the raptor is native to Arizona and the Department approves the release of the raptor. The falconer shall request permission to release the captive-bred raptor by contacting the Department. When permitted by the Department and before releasing the captive-bred raptor, the General or Master falconer shall hack the captive-bred raptor in a suitable habitat and the appropriate season.
 3. A licensed falconer is prohibited from intentionally releasing any hybrid or non-native raptor permanently into the wild.
- W.** A Master falconer may conduct and receive payment for any abatement services conducted with a falconry raptor. The falconer shall apply for and obtain all required federal permits prior to conducting any abatement activities. A General falconer may conduct abatement services only when authorized under the federal permit held by the Master falconer.
- X.** A person other than a licensed falconer may temporarily care for a falconry raptor for no more than 45 consecutive days, unless approved by the Department. The raptor under temporary care shall remain in the falconer's facility. The raptor shall continue to count towards the falconer's possession limit. An unlicensed caretaker shall not fly the raptor. The falconer may request an extension from the Department to the temporary possession period if extenuating circumstances occur. The Department shall evaluate extension requests on a case-by-case basis.
- Y.** A licensed falconer may serve as a caretaker for another licensed falconer's raptor for no more than 120 consecutive days, unless approved by the Department. The falconer shall provide the temporary caretaker with a signed and dated statement authorizing the temporary possession of each raptor. The statement shall also include the temporary possession period and activities the caretaker may conduct with the raptor. The raptor under temporary care shall not count toward the caretaker's possession limit. The temporary caretaker may fly or train the raptor when permitted by the falconer in writing. The falconer may request an extension from the Department to the temporary possession period if extenuating circumstances occur. The Department shall evaluate extension requests on a case-by-case basis.
- Z.** A licensed falconer may assist a wildlife rehabilitator in conditioning a raptor in preparation for the raptor's release to the wild. The falconer may temporarily remove the raptor from the rehabilitation facilities while conditioning the raptor. The raptor shall remain under the rehabilitator's license and shall not count towards the falconer's possession limit. The rehabilitator shall provide the licensed falconer with a written statement authorizing the falconer to assist the rehabilitator. The written statement shall also identify the raptor by species, type of injury, and band number, when available. The licensed falconer shall return the raptor to the rehabilitator within the 180-day period established under R12-4-423(N), unless the raptor is:
1. Released into the wild in coordination with the rehabilitator and as authorized under this subsection;
 2. Allowed to remain with the rehabilitator for a longer period of time as authorized under R12-4-423(N); or
 3. Transferred permanently to the falconer, provided the falconer may legally possess the raptor and the Department approves the transfer. The raptor shall count towards the falconer's possession limit.
- AA.** A licensed falconer may use a raptor possessed for falconry in captive propagation, when permitted by USFWS. A licensed falconer is not required to transfer a raptor from a Sport Falconry license to another license when the raptor is used for captive propagation less than eight months in a year.
- BB.** A General or Master licensed falconer may use a lawfully possessed raptor in a conservation education program presented in a public venue. An Apprentice falconer, under the direct supervision of a General or Master falconer, may use a lawfully possessed raptor in a conservation education program presented in a public venue. The primary use for a raptor in a conservation education program is falconry. The falconer shall ensure the focus of the conservation education program is to provide information about the biology, ecological roles, and conservation needs of raptors and other migratory birds. The falconer may charge a fee for presenting a conservation education program; however, the fee shall not exceed the amount required to recoup the falconer's costs for providing the program. As a condition of the Sport Falconry License, the licensed falconer agrees to indemnify the Department, its officers, and employees. The falconer is liable for any damages associated with the conservation education activities.
- CC.** A licensed falconer may allow the photography, filming, or similar uses of a falconry raptor possessed by the licensed falconer, provided:
1. The falconer is not compensated for these activities; and
 2. The final product from these activities:
 - a. Promotes the practice of falconry;
 - b. Provides information about the biology, ecological roles, and conservation needs of raptors and other migratory birds;
 - c. Endorses a nonprofit falconry organization or association, products, or other endeavors related to falconry; or
 - d. Is used in scientific research or science publications.

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DD. A licensed falconer may use or dispose of lawfully possessed falconry raptor feathers. A falconer shall not buy, sell, or barter falconry raptor feathers. A falconer may possess feathers for imping from each species of raptor that the falconer currently and previously possessed.

1. The licensed falconer may transfer or receive feathers for imping from:
 - a. Another licensed falconer,
 - b. A licensed wildlife rehabilitator, or
 - c. Any licensed propagator located in the U.S.
2. A licensed falconer may donate falconry raptor feathers, except bald and golden eagle feathers, to:
 - a. Any person or institution permitted to possess falconry raptor feathers,
 - b. Any person or institution exempt from the permit requirement under 50 CFR 21.12, or
 - c. A non-eagle feather repository. The Department may provide information regarding the submittal of falconry raptor feathers to a non-eagle feather repository.
3. A licensed falconer shall gather primary and secondary flight feathers or retrices that are molted or otherwise lost from a golden eagle and either retain the feathers for imping purposes or submit the feathers to the U.S. Fish and Wildlife Service, National Eagle Repository, Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022.
4. A falconer whose license is either revoked or expired shall dispose of all falconry raptor feathers in the falconer's possession.

EE. Arizona licensed falconers importing raptors into Arizona shall have a certificate of health issued no more than 30 consecutive days:

1. Prior to the international importation, or
2. Prior to or after the inter-state importation.

FF. A licensed falconer may conduct any of the following activities with any captive-bred raptor provided the raptor is wearing a seamless band:

1. Barter,
2. Offer for barter,
3. Gift,
4. Purchase,
5. Sell,
6. Offer for sale, or
7. Transfer.

GG. A licensed falconer is prohibited from conducting any of the following activities with any wild-caught raptor protected under the Migratory Bird Treaty Act:

1. Barter,
2. Offer for barter,
3. Purchase,
4. Sell, or
5. Offer for sale.

HH. A licensed falconer may transfer:

1. Any wild-caught falconry raptor captured in Arizona with or without a permit tag to another Arizona Sport Falconry License holder at any time.
 - a. The raptor shall count towards the take limit for that calendar year for the falconer taking the raptor from the wild.
 - b. The raptor shall not count against the take limit of the falconer receiving the raptor.
2. Any wild-caught falconry raptor to another license or permit type under this Article or federal law, provided the raptor has been used in the sport of falconry for at least two years preceding the transfer.
3. A wild-caught falconry sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii*), merlin (*Falco columbarius*), or American kestrel (*Falco sparverius*) to another license or permit type under this Article or federal law, provided the raptor has been used in the sport of falconry for at least one year preceding the transfer.
4. Any hybrid or captive-bred raptor to another licensed falconer or permit type under this Article or federal law at any time.
5. Any falconry raptor that is no longer capable of being flown, as determined by a veterinarian or licensed rehabilitator, to another permit type at any time. The licensed falconer shall provide a copy of the documentation from the veterinarian or rehabilitator stating that the raptor is not usable in falconry to the Federal Migratory Bird Permits office that administers the other permit type.

II. A licensed falconer shall not transfer a wild-caught raptor captured in Arizona under a permit tag to a licensed falconer in another state for at least one year from the date of capture. However, a licensed falconer may transfer a wild-caught raptor captured in Arizona without a permit tag to a licensed falconer in another state at any time.

JJ. A surviving spouse, executor, administrator, or other legal representative of a deceased licensed falconer shall transfer any

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raptor held by the licensed falconer to another licensed falconer no more than 90 consecutive days after the death of the falconer. The Department shall determine the disposition of any raptor not transferred prior to the end of the 90-day period.

KK. A licensed falconer shall conduct the following activities, as applicable, no more than 10 business days after either the death of a falconry raptor or the final examination of a deceased raptor by a veterinarian:

1. For a bald or golden eagle, send the entire body, including all feathers, talons, and other parts, to the National Eagle Repository;
2. For any euthanized non-eagle raptor, to prevent secondary poisoning of other wildlife, the falconer shall either submit the carcass to a non-eagle repository or burn, bury, or otherwise destroy the carcass;
3. For all other species:
 - a. Submit the carcass to a non-eagle repository;
 - b. Submit the carcass to the Department for submission to a non-eagle repository;
 - c. Donate the body or feathers to any person or institution exempt under 50 CFR 21.12 or authorized by USFWS to acquire and possess such parts or feathers;
 - d. Retain the carcass or feathers for imping purposes as established under subsection (DD);
 - e. Burn, bury, or otherwise destroy the carcass; or
 - f. Mount the raptor carcass. The falconer shall ensure any microchip implanted in the raptor is not removed and any band attached to the raptor remains on the mount. The falconer may use the mount for a conservation education program. The falconer shall ensure copies of the license and all relevant 3-186A forms are retained with the mount. The mount shall not count towards the falconer's possession limit.